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E-File: December 14, 2009

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Attorneys for Debtors and  
Debtors in Possession

**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

In re:

THE RHODES COMPANIES, LLC, aka  
"Rhodes Homes," et al.,<sup>1</sup>  
Debtors.

Case No.: BK-S-09-14814-LBR  
(Jointly Administered)

Chapter 11

Hearing Date: January 14, 2010  
Hearing Time: 9:00 a.m.  
Courtroom 1

Affects:

- ☐ All Debtors  
☒ Affects the following Debtor(s):

Apac Framing, LLC 09-14818; Rhodes  
Design and Development Corporation 09-  
14846; and Tuscany Acquisitions, LLC  
09-14853

<sup>1</sup> The Debtors in these cases, along with their case numbers are: Heritage Land Company, LLC (Case No. 09-14778); The Rhodes Companies, LLC (Case No. 09-14814); Tribes Holdings, LLC (Case No. 09-14817); Apache Framing, LLC (Case No. 09-14818); Geronimo Plumbing LLC (Case No. 09-14820); Gung-Ho Concrete LLC (Case No. 09-14822); Bravo, Inc. (Case No. 09-14825); Elkhorn Partners, A Nevada Limited Partnership (Case No. 09-14828); Six Feathers Holdings, LLC (Case No. 09-14833); Elkhorn Investments, Inc. (Case No. 09-14837); Jarupa, LLC (Case No. 09-14839); Rhodes Realty, Inc. (Case No. 09-14841); C & J Holdings, Inc. (Case No. 09-14843);

**DEBTORS' OMNIBUS OBJECTION TO MICHAEL & MARIA BARR'S CLAIMS  
PURSUANT TO SECTION 502(b) OF THE BANKRUPTCY CODE  
AND BANKRUPTCY RULES 3003 AND 3007; DECLARATION OF  
PAUL D. HUYGENS IN SUPPORT THEREOF**

The above-captioned debtors and debtors in possession (collectively, the "Debtors") hereby object (the "Omnibus Objection") to each of the claims (the "Barr Claims"), identified herein on **Exhibit A**, pursuant to section 502(b) of title 11 of the United States Code (the "Bankruptcy Code") and Rules 3003 and 3007 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and request the entry of an order (the "Order") disallowing and expunging each of the Barr Claims as indicated in further detail below.<sup>2</sup> The proofs of claim for the Barr Claims are attached hereto as **Exhibit B**. In support of this Omnibus Objection, the Debtors rely on the *Declaration of Paul D. Huygens in Support of Debtors' Omnibus Objection to Michael & Maria Barr's Claims*, attached hereto. In further support of this Omnibus Objection, the Debtors respectfully represent as follows:

**BACKGROUND**

1. On March 31, 2009, the above-captioned Debtors (the "Primary Filers"), except Tuscany Golf Country Club, LLC, Pinnacle Grading, LLC, and Rhodes Homes Arizona, LLC (the "Secondary Filers"), filed voluntary petitions for relief under chapter 11 of title 11 of the Bankruptcy Code. On April 1, 2009, the Secondary Filers filed voluntary petitions for relief under chapter 11 of the Bankruptcy Code. All references to Petition Date herein shall mean March 31, 2009 for the Primary Filers or April 1, 2009 for the Secondary Filers, as applicable. The Debtors are continuing in possession of their property and are operating and managing their

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Rhodes Ranch General Partnership (Case No. 09-14844); Rhodes Design and Development Corporation (Case No. 09-14846); Parcel 20, LLC (Case No. 09-14848); Tuscany Acquisitions IV, LLC (Case No. 09-14849); Tuscany Acquisitions III, LLC (Case No. 09-14850); Tuscany Acquisitions II, LLC (Case No. 09-14852); Tuscany Acquisitions, LLC (Case No. 09-14853); Rhodes Ranch Golf Country Club, LLC (Case No. 09-14854); Overflow, LP (Case No. 09-14856); Wallboard, LP (Case No. 09-14858); Jackknife, LP (Case No. 09-14860); Batcave, LP (Case No. 09-14861); Chalkline, LP (Case No. 09-14862); Glynda, LP (Case No. 09-14865); Tick, LP (Case No. 09-14866); Rhodes Arizona Properties, LLC (Case No. 09-14868); Rhodes Homes Arizona, L.L.C. (Case No. 09-14882); Tuscany Golf Country Club, LLC (Case No. 09-14884); and Pinnacle Grading, LLC (Case No. 09-14887).

<sup>2</sup> The Debtors reserve the right to file additional omnibus objections, whether on substantive or non-substantive grounds, to any and all other claims filed against their estates.

1 businesses, as debtors in possession, pursuant to sections 1107 and 1108 of the Bankruptcy  
2 Code.

3 2. The Debtors object to each of the Barr Claims as set forth in detail on **Exhibit A**  
4 hereto. The proofs of claim are attached hereto as **Exhibit B**.

5 **RELIEF REQUESTED**

6 3. By this Omnibus Objection, the Debtors seek entry of an order, pursuant to  
7 section 502(b) of the Bankruptcy Code and Bankruptcy Rules 3003 and 3007, disallowing in full  
8 and expunging the Barr Claims as set forth in **Exhibit A**.

9 **OBJECTION**

10 4. Michael & Maria Barr (the "Homeowners") filed three identical claims against  
11 three separate Debtor entities for work performed by Envision Concrete, LLC ("Envision").  
12 Envision filed a lien against the Homeowners' home for a claim allegedly due and owing by the  
13 Debtors.

14 5. Envision has also filed a separate claim against the Debtors, which included the  
15 Homeowners' lien amount. Envision subsequently released the lien against the Homeowners'  
16 house. The Debtors sent the Homeowners a letter requesting the withdrawal of their claim to  
17 avoid an objection being filed. See Exhibit C. As of the date of this Objection, the Debtors  
18 have not received any response from the Homeowners.

19 6. Bankruptcy Code section 502 authorizes a party in interest to object to claims.  
20 *See* 11 U.S.C. §502(a). Although a proper proof of claim is presumed valid under Bankruptcy  
21 Rule 3001(f), once an objection controverts the presumption, the creditor has the ultimate burden  
22 of persuasion as to the validity and amount of the claim. *Ashford v. Consolidated Pioneer*  
23 *Mortg. (In re Consolidated Pioneer Mortg.)*, 178 B.R. 222, 226 (B.A.P. 9th Cir. 1995), *aff'd*, 91  
24 F.3d 151 (9th Cir. 1996) (quoting *In re Allegheny International, Inc.*, 954 F.2d 167, 173-74 (3d  
25 Cir. 1992)). The Bankruptcy Appellate Panel for the Ninth Circuit explained the shifting  
26 burdens of proof with respect to objection to proofs of claim as follows:

27 The burden of proof for claims brought in the bankruptcy court  
28 under 11 U.S.C.A. § 502(a) rests on different parties at different

times. Initially, the claimant must allege facts sufficient to support the claim. If the averments in his filed claim meet this standard of sufficiency, it is "prima facie" valid. In other words, a claim that alleges facts sufficient to support a legal liability to the claimant satisfies the claimant's initial obligation to go forward. . . . The burden of persuasion is always on the claimant.

*Id.* (emphasis added). Following this decision, the District Court for the Northern District of California emphasized, "unless the claimant has alleged 'facts sufficient to support a legal liability, 'the claim is not prima facie valid.'" *In re Hongnisto*, 293 B.R. 45, 50 (N.D. Cal. 2003) (quoting *Consolidated Pioneer Mortg.*, 178 B.R. at 266) (holding that the claimant's proof of claim failed to allege sufficient facts to support a legal liability and consequently disallowed the proof of claim); *see Consolidated Pioneer Mortg.*, 178 B.R. at 227 (holding that because the proof of claim did not allege sufficient facts to support the claim, the proof of claim was disallowed).

7. Based on the Debtors' review of their books and records and the disputed Barr Claims, the claimants have no valid legal justification for asserting the Barr Claims against the given Debtor as filed. As a result, the Debtors submit that the Bar Claims should be disallowed in their entirety.

### CONCLUSION

8. The Debtors object to the allowance of the Barr Claims for the reasons stated herein, and the Debtors hereby move this Court for an Order disallowing and expunging each of the Barr Claims as set forth in the column marked "Proposed Treatment/Disposition" in Exhibit A.

### NOTICE

9. Notice of this objection has been provided to (i) the Office of the United States Trustee, (ii) counsel to the Creditors' Committee, (iii) the holder of the Barr Claims to which the Debtors are objecting in this Omnibus Objection in accordance with the addresses provided in the proof of claim for each Barr Claim, (iv) each person or entity that has filed a notice of

1 appearance and request for special notice, and (v) other required parties pursuant to the Court's  
2 case management order entered in these cases. The Debtors submit that in light of the nature of  
3 the relief requested herein, no other or further notice is required.

4 10. Pursuant to Bankruptcy Rule 3007, the Debtors have provided all claimants  
5 affected by the Omnibus Objection with at least thirty (30) days' notice of the hearing on the  
6 Omnibus Objection.

7 WHEREFORE, the Debtors respectfully request that the Court enter an Order,  
8 substantially in the form attached hereto as **Exhibit D**, disallowing and expunging each of the  
9 Barr Claims as set forth in the Column marked "Proposed Treatment/Disposition" in **Exhibit A**  
10 and granting such other and further relief as the Court deems just and proper under the  
11 circumstances of these chapter 11 cases.

12  
13 **DATED** this 14<sup>th</sup> day of December, 2009.

14  
15 **LARSON & STEPHENS**

16 /s/ Zachariah Larson, Esq.

17 Zachariah Larson, Bar No. 7787

18 Kyle O. Stephens, Bar No. 7928

19 810 S. Casino Center Blvd., Suite 104

20 Las Vegas, NV 89101

21 702/382-1170

22 Attorneys for Debtors and Debtors in  
23 Possession  
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25  
26  
27  
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**DECLARATION OF PAUL D. HUYGENS IN SUPPORT OF DEBTORS' OMNIBUS  
OBJECTION TO MICHAEL & MARIA BARR'S CLAIMS**

I, Paul D. Huygens, declare as follows:

1. I am the Senior Vice President of Special Projects of the above-captioned debtors and debtors in possession (the "Debtors"). The facts set forth in this Declaration are personally known to me and, if called as a witness, I could and would testify thereto.

2. This declaration is submitted in support of the *Debtors' Omnibus Objection to Michael & Maria Barr's Claims Pursuant to Section 502(b) of the Bankruptcy Code and Bankruptcy Rules 3003 and 3007* (the "Omnibus Objection").

3. I am one of the persons responsible for overseeing the claims reconciliation and objection process in the Debtors' chapter 11 cases. I have read the Debtors' Omnibus Objection and am directly, or by and through my personnel or agents, familiar with the information contained therein.

4. The claims and attached information and documentation were carefully reviewed and analyzed in good faith, and the Debtors' books and records were referenced for additional support, utilizing due diligence by appropriate personnel of the Debtors. These efforts have resulted in the identification of the disputed "Barr Claims", as identified in **Exhibit A** to the Omnibus Objection. The proofs of claim for the Barr Claims are attached as **Exhibit B** to the Omnibus Objection. I have personally reviewed each of the Barr Claims.

5. Michael & Maria Barr (the "Homeowners") filed three identical claims against three separate Debtor entities for work performed by Envision Concrete, LLC ("Envision"). Envision filed a lien against the Homeowners' home for a claim allegedly due and owing by the Debtors. Envision has also filed a separate claim against the Debtors, which included the Homeowners' lien amount. Envision subsequently released the lien against the Homeowners' house. The Debtors sent the Homeowners a letter requesting the withdrawal of their claim to avoid an objection being filed. See Exhibit C. As of the date of this Objection, the Debtors have not received any response from the Homeowners. As a result, I believe that this claim should be disallowed and expunged by the Court.

Paul D. Huygens

# EXHIBIT A

LARSON & STEPHENS  
810 S. Casino Center Blvd., Suite 104  
Las Vegas, Nevada 89101  
Tel: (702) 382-1170 Fax: (702) 382-1169



**EXHIBIT A****To Omnibus Objection to Michael & Maria Barr's Claims**

| <b>Claim No.</b> | <b>Claimant Name</b>  | <b>Filed in Debtor Case</b> | <b>Total Claimed Amount</b> | <b>Total Modified Amount</b> | <b>Proposed Treatment/Disposition</b> |
|------------------|---|-----------------------------|-----------------------------|------------------------------|---------------------------------------|
| 6                | MICHAEL & MARIA BARR<br>453 VIA STRETTO AVENUE<br>HENDERSON, NV 89011 | 09-14818                    | 2,460.00                    | 0.00                         | Disallow claim in its entirety        |
| 54               | MICHAEL & MARIA BARR<br>453 VIA STRETTO AVENUE<br>HENDERSON, NV 89011 | 09-14846                    | 2,460.00                    | 0.00                         | Disallow claim in its entirety        |
| 9                | MICHAEL & MARIA BARR<br>453 VIA STRETTO AVENUE<br>HENDERSON, NV 89011 | 09-14853                    | 2,460.00                    | 0.00                         | Disallow claim in its entirety        |

# EXHIBIT B

LARSON & STEPHENS  
810 S. Casino Center Blvd., Suite 104  
Las Vegas, Nevada 89101  
Tel: (702) 382-1170 Fax: (702) 382-1169

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# CLAIM 6

B 10 (Official Form 10) (12/08) Case 09-14818-lbr Claim 6-1 Filed 06/29/09 Page 1 of 9

| UNITED STATES BANKRUPTCY COURT   |   | PROOF OF CLAIM   |
|--|---|--|
| Name of Debtor: <u>APACHE FARMING, LLC</u>   |   | Case Number: _____   |
| NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.  |   |  |
| Name of Creditor (the person or other entity to whom the debtor owes money or property):<br><u>MICHAEL J. BARR</u>   |   | <input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim.   |
| Name and address where notices should be sent:<br><u>MICHAEL J. BARR</u><br><u>453 VIA STREET AVENUE</u><br><u>HENDERSON, NV 89011</u>   |   | Court Claim Number: _____<br>(If known)  |
| Telephone number:<br><u>702-657-9211</u>   |   | Filed on: _____  |
| Name and address where payment should be sent (if different from above):   |   | <input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.  |
| Telephone number:  |   | <input type="checkbox"/> Check this box if you are the debtor or trustee in this case.   |
| 1. Amount of Claim as of Date Case Filed: <u>\$ 2460.00</u>  |   | 5. Amount of Claim Entitled to Priority under 11 U.S.C. § 507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount.<br><br>Specify the priority of the claim.<br><br><input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).<br><br><input type="checkbox"/> Wages, salaries, or commissions (up to \$10,950*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507 (a)(4).<br><br><input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. § 507 (a)(5).<br><br><input type="checkbox"/> Up to \$2,425* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507 (a)(7).<br><br><input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. § 507 (a)(8).<br><br><input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. § 507 (a)(____).<br><br>Amount entitled to priority:<br><u>\$ _____</u><br><br><small>*Amounts are subject to adjustment on 4/1/10 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.</small> |
| If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4.  |   |  |
| If all or part of your claim is entitled to priority, complete item 5.   |   |  |
| <input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.  |   |  |
| 2. Basis for Claim: <u>SERVICES PERFORMED WARRANTY</u><br>(See instruction #2 on reverse side.)  |   |  |
| 3. Last four digits of any number by which creditor identifies debtor: _____   |   |  |
| 3a. Debtor may have scheduled account as: _____<br>(See instruction #3a on reverse side.)  |   |  |
| 4. Secured Claim (See instruction #4 on reverse side.)<br>Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information.   |   |  |
| Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other  |   |  |
| Describe: _____  |   |  |
| Value of Property: \$ _____ Annual Interest Rate: _____ %  |   |  |
| Amount of arrearage and other charges as of time case filed included in secured claim.   |   |  |
| If any: \$ _____ Basis for perfection: _____   |   |  |
| Amount of Secured Claim: \$ _____ Amount Unsecured: \$ _____   |   |  |
| 6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.  |   |  |
| 7. Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See instruction 7 and definition of "redacted" on reverse side.) |   |  |
| DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.  |   |  |
| If the documents are not available, please explain: _____  |   |  |
| Date: <u>6-22-09</u>   | Signature: The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any.<br><br><u>Michael J. Barr / MICHAEL J. BARR</u> |  |
|  |   | FOR COURT USE ONLY   |

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

Receipt Conformed Copy

A.P. No. 160-32-512-022  
Escrow No. 510942-A-MP/  
R.P.T.T. \$2,019.60

WHEN RECORDED MAIL TO:  
Michael Barr and Maria Barr  
453 Via Stretto Avenue  
Henderson, NV 89015

MAIL TAX STATEMENT TO:  
Michael Barr and Maria Barr  
453 Via Stretto Avenue  
Henderson, NV 89015

Requestor:

COMMERCE TITLE

02/13/2006 15:21:43 T20050827331

Book/Instr: 20050213-0003633

Deed Page Count: 3

Fees: \$15.00 N/C Fee: \$0.00

RPTT: \$2,019.60

Frances Deane  
Clark County Recorder

**GRANT, BARGAIN and SALE DEED**

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Tuscany Acquisitions LLC, a Nevada limited liability company

do(es) hereby **GRANT, BARGAIN and SELL** to

Michael Barr and Maria Barr, husband and wife as joint tenants

the real property situate in the County of Clark, State of Nevada, described as follows:

**Lot 22, Block 1, of TUSCANY PARCEL 6B (formerly known as Palm City-Phase 2 Lot 6B) as shown by Map thereof on file in Book 123 of Plats, Page 31, in the Office of the County Recorder of Clark County, Nevada.**

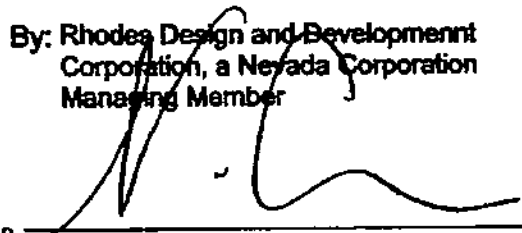
1. All general and special taxes for the current fiscal year.
2. Covenants, Conditions, Restrictions, Reservations, Rights, Rights of Way and Easements now of record.

**TOGETHER** with all tenements, hereditaments and appurtenances, including easements and water rights, if any, thereto belonging or appertaining, and any reversions, remainders, rents, issues or profits thereof.

Date: 01/28/2006

Tuscany Acquisitions LLC, a Nevada limited liability company

By: Rhodes Design and Development Corporation, a Nevada Corporation  
Managing Member

  
By: Nicole Cervero, Authorized Agent

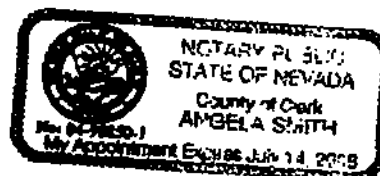
STATE OF NEVADA

COUNTY OF CLARK

This instrument was acknowledged before me on 2/8/2006 by Nicole Cervero.

  
Notary Public

(My commission expires: 7/14/08)



Debtor: Rhodes Design and Development Corporation  
Case No.: 09-14846

### Summary

This claim arises due to work performed at the direction of Rhodes Design and Development Corporation a subsidiary of Rhodes Homes ("Rhodes") by Envision Concrete, LLC ("Envision") to my home located at 453 Via Streeto Avenue, Henderson, NV 89011 ("home"), pursuant to the contract and subsequent warranty established between me and the builder of my home --- the aforementioned Rhodes.

The work was performed at my home by Envision in April 2009 and Envision then sought payment in the amount of \$2,460.00 from Rhodes. As Rhodes failed to fulfill its obligation to Envision, Envision placed a Mechanic's Lien on my home on May 19, 2009.

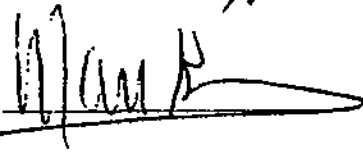
Date 6-22-2009

Signature



Date 6-22-09

Signature



UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

In re:

APACHE FRAMING, LLC  
Tax I.D. No. 20-8776352

Chapter 11

Case No. BK-S-09-14818-LBR

Debtor.  
\_\_\_\_\_ /

**NOTICE OF CHAPTER 11 BANKRUPTCY CASE, MEETING OF CREDITORS,  
AND DEADLINES**

A chapter 11 bankruptcy case was filed concerning the debtor(s) listed above on March 31, 2009.

You may be a creditor of the debtor. **This notice lists important deadlines.** You may want to consult an attorney to protect your rights. All documents filed in this case may be viewed at the bankruptcy clerk's office at the address listed on this Notice. The dockets and imaged case documents may also be viewed electronically at [www.nvb.uscourts.gov](http://www.nvb.uscourts.gov) or at <https://ecf.nvb.uscourts.gov> under the lead case: **The Rhodes Companies, LLC, case number 09-14814**. To register for a PACER login and password, call 1-800-676-6856 or go online at <http://pacer.uscourts.gov>.

NOTE: The staff of the bankruptcy clerk's office cannot give legal advice. See additional information enclosed on the page of this Notice entitled "Explanations."

**Attorney for Debtor(s) (name and address):**

ZACHARIAH LARSON  
LARSON & STEPHENS  
810 S. CASINO CENTER BLVD., SUITE 104  
LAS VEGAS, NV 89101  
Telephone number: (702) 382-1170

PACHULSKI STANG ZIEHL & JONES LLP  
10100 SANTA MONICA BLVD., 11<sup>th</sup> FLOOR  
LOS ANGELES, CA 90067-4100  
Telephone Number: (310) 277-6910

**Meeting of Creditors**

**DATE:** May 7, 2009

**TIME:** 3:00 PM

**LOCATION:** Foley Federal Building and U.S. Courthouse  
300 Las Vegas Blvd., South, Room 1500 Las Vegas, NV 89101

**Creditor with a Foreign Address:**

See additional information enclosed on the page of this Notice entitled "Explanations," under the paragraph named "Meeting of Creditors."



**Deadlines to File a Proof of Claim**

For all creditors (except a governmental unit): **90 days** after the date first set at the meeting of creditors.

For a governmental unit: **180 days** after the date of the order for relief.

See additional information on the page of this Notice entitled "Explanations," under the paragraph named "Claims." All claims should be mailed to the Claims Agent listed below. If you wish to receive an acknowledgment of the receipt of your claim, you must provide an extra copy of the claim and a self-addressed stamped envelope.

Mail completed Proof of Claim forms to **Claims Agent for Debtor:**

Heritage Land Company, LLC  
c/o Omni Management Group, LLC  
16161 Ventura Blvd., Suite C  
PMB 477  
Encino, CA 91436  
Telephone Number: (866) 989-6144

**DO NOT FILE PROOF OF CLAIM FORMS WITH THE COURT.****Creditors May Not Take Certain Actions:**

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request that the court impose a stay. If you attempt to collect a debtor or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

**Address of the Bankruptcy Clerk's Office:**

U.S. Bankruptcy Court  
300 Las Vegas Blvd., South  
Las Vegas, NV 89101  
Telephone Number: (702) 388-6257  
Hours Open: Monday - Friday 9:00 AM - 4:00 PM

## EXPLANATIONS

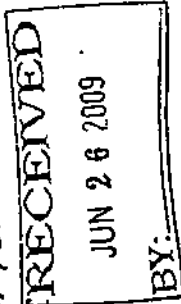
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|--|---|
| Filing of Chapter 11 Bankruptcy Case             | A bankruptcy case under Chapter 11 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by or against the debtor(s) listed in this Notice, and an order for relief has been entered. Chapter 11 allows a debtor to reorganize or liquidate pursuant to a plan. A plan is not effective unless confirmed by the court. You may be sent a copy of the plan and a disclosure statement telling you about the plan, and you might have the opportunity to vote on the plan. You will be sent notice of the date of the confirmation hearing, and you may object to the confirmation of the plan and attend the confirmation hearing. Unless a trustee is serving, the debtor will remain in possession of the debtor's property and may continue to operate any business.   |
| Legal Advice                                     | The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your rights in this case.  |
| Creditors Generally May Not Take Certain Actions | Prohibited collection actions are listed in Bankruptcy Code § 362. Common examples of prohibited actions include contacting the debtor by telephone, mail, or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; and starting or continuing lawsuits or foreclosures. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay.  |
| Meeting of Creditors                             | A meeting of creditors is scheduled for the date, time, and location listed in this Notice. <i>The debtor's representative must be present at the meeting to be questioned under oath by the trustee and by creditors.</i> Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded under a later date without further notice. The court, after notice and a hearing, may order that the United States trustee not convene the meeting if the debtor has filed a plan for which the debtor solicited acceptances before filing the case.  |
| Claims   | A Proof of Claim is a signed statement describing a creditor's claim. If a Proof of Claim form is not included with this Notice, you can obtain one at any bankruptcy clerk's office or by downloading a Proof of Claim from the court's website at <a href="http://www.nvbj.uscourts.gov">www.nvbj.uscourts.gov</a> . You may look at the schedules that have been or will be filed at the bankruptcy clerk's office (or view electronically at <a href="http://www.nvbj.uscourts.gov">www.nvbj.uscourts.gov</a> and click on PACER). If your claim is scheduled and is not listed as disputed, contingent, or unliquidated, it will be allowed in the amount scheduled unless you filed a Proof of Claim or you are sent further notice about the claim. Whether or not your claim is scheduled, you are permitted to file a Proof of Claim. If your claim is not listed at all, or if your claim is listed as disputed, contingent, or unliquidated, then you must file a Proof of Claim by the "Deadline to File a Proof of Claim" found on this Notice or you might not be paid any money on your claim against the debtor in the bankruptcy case and may be unable to vote on a plan. A secured creditor retains rights in its collateral regardless of whether that creditor files a Proof of Claim. Filing a Proof of Claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a Proof of Claim may surrender important nonmonetary rights, including the right to a jury trial. <b>Filing Deadline for a Creditor with a Foreign Address:</b> The deadlines for filing claims set forth in this Notice apply to all creditors. If this Notice has been mailed to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline. |
| Discharge of Debts                               | Confirmation of chapter 11 plan may result in discharge of debts, which may include all or part of your debt. See Bankruptcy Code § 1141(d). A discharge means that you may never try to collect the debt from the debtor, except as provided for in the plan.  |

|                                 |  |                           |  |                                 |   |
|---------------------------------|--|---------------------------|--|---------------------------------|---|
| 1<br>2<br>3<br>4                | <table><tr><td>Bankruptcy Clerk's Office</td><td>Unless otherwise noted, any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed in this Notice. You may inspect all papers filed, including the debtor's property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office.</td></tr><tr><td>Creditor with a Foreign Address</td><td>Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.</td></tr></table> | Bankruptcy Clerk's Office | Unless otherwise noted, any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed in this Notice. You may inspect all papers filed, including the debtor's property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office. | Creditor with a Foreign Address | Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case. |
| Bankruptcy Clerk's Office       | Unless otherwise noted, any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed in this Notice. You may inspect all papers filed, including the debtor's property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office.   |                           |  |                                 |   |
| Creditor with a Foreign Address | Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.  |                           |  |                                 |   |

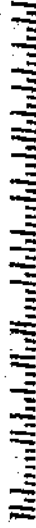
Mich. del. J. Bare  
453 VIA STREETS AVE  
Mendocino, NV 89011

LAS VEGAS NV 890  
23 JUN 2009 PM 5 L

HERITAGE LAND COMPANY, LLC  
C/O OMNI MANAGEMENT GROUP, LLC  
16161 VENTURA BLVD, SUITE 400  
PMB 477  
ENCINO, CA 91436



91436+2522 0020



# CLAIM 54

0001

**Receipt Conformed Copy****NOTICE REQUESTED BY  
AND RETURN TO:**

**ENVISION CONCRETE LLC**  
**CMA BUSINESS CREDIT SERVICES**  
**3110 W CHEYENNE AVE #100**  
**N LAS VEGAS, NV 89032**

**APN: 160-32-512-022**

**Requestor:**

**CMA BUSINESS CREDIT SERVICES**  
**05/19/2009 14:54:52 T20090175413**

**Book/Instr: 20090519-0004215**

**Lien Page Count: 2**

**Fees: \$15.00 N/C Fee: \$0.00**

**Debbie Conway**  
**Clark County Recorder**

**NOTICE OF LIEN**

The undersigned claims a lien upon the property described in this notice for work, materials or equipment furnished for the improvement of property:

1. The amount of the original contract is: \$ 2,460.00.
2. The total amount of all additional, or changed work, materials and equipment, if any, is: \$ 0.00.
3. The total amount of all payments received to date is: \$ 0.00
4. The amount of the lien, after deducting all just credits and offsets, is \$2,460.00.
5. The name of the reputed owner, if known, of the property is: **BARR MICHAEL & MARIA, 453 VIA STRETTO AVE, Henderson, NV 89011.**
6. The name of the person by whom the lien claimant was employed or to whom the lien claimant furnished or agreed to furnish work, materials or equipment is: **RHODES HOMES, 4730 S FORT APACHE #300, Las Vegas, NV 89147**
7. A brief statement of the terms of payment of the lien claimant's contract is: **-net 30 days.**
8. A description of the property and/or the improvements to be charged with the lien is:  
**TUSCANY PARCEL 6B LT 22, 453 VIA STRETTO, Henderson, NV 89011,**  
**County Assessor Description: -Plat Book 123 Page 31 Lot 22, SEC32 TWP21 R0G63, County of Clark**  
**County Assessor's Parcel Number: 160-32-512-022**

**VERIFICATION**

I declare that I am authorized to file this MECHANICS LIEN (PRIVATE WORK) on behalf of the claimant. I have read the foregoing document and know the contents thereof; the same is true of my own knowledge. I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Dated May 19, 2009 for **ENVISION CONCRETE LLC, 5655 REFERENCE ST, Las Vegas, NV 89147**

By: *Cherie Berg* Phone: (702) 258-2822 Fax: (702) 258-9908  
**CHERIE BERG, Representative For: ENVISION CONCRETE LLC**

ACKNOWLEDGEMENT BY NOTARY PUBLIC

STATE OF NEVADA } SS.  
COUNTY OF CLARK } SS.

CHERIE BERG, being duly sworn on oath according to law, deposes and says:

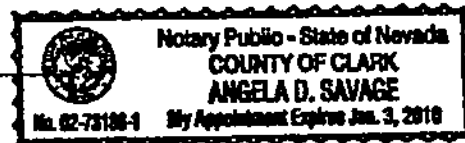
I have read the foregoing Notice of Lien, know the contents thereof and state that the same is true of my own personal knowledge, except those matters stated upon information and belief, and, as to those matters, I believe them to be true.

  
CHERIE BERG

On May 19, 2009 before me, the undersigned, a Notary Public in and for said state, personally appeared CHERIE BERG [X] Personally known to me.

Proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the attached instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or their entity upon behalf for which the person(s) acted, executed the instrument.

Signature   
ANGELA D SAVAGE



CAPACITY CLAIMED BY SIGNER: INDIVIDUAL

Attention Notary: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to unauthorized documents.

Title or Type of Document: MECHANICS LIEN

Date of Document: May 19, 2009

Number of Pages: 02



Receipt Conformed Copy

A.P. No. 160-32-512-022  
Escrow No. 510942-A-MP/  
R.P.T.T. \$2,019.60

WHEN RECORDED MAIL TO:  
Michael Barr and Maria Barr  
453 Via Stretto Avenue  
Henderson, NV 89015

MAIL TAX STATEMENT TO:  
Michael Barr and Maria Barr  
453 Via Stretto Avenue  
Henderson, NV 89015

Requestor:

CONFERE TITLE

02/13/2006 15:21:43 T20060027331

Book/Instr: 20060213-0003633

Deed Page Count: 3

Fees: \$15.00 N/C Fee: \$0.00

RPTT: \$2,019.60

Frances Deane  
Clark County Recorder

**GRANT, BARGAIN and SALE DEED**

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Tuscany Acquisitions LLC, a Nevada limited liability company

do(es) hereby *GRANT, BARGAIN and SELL* to

Michael Barr and Maria Barr, husband and wife as joint tenants

the real property situate in the County of Clark, State of Nevada, described as follows:

**Lot 22, Block 1, of TUSCANY PARCEL 6B (formerly known as Palm City-Phase 2 Lot 6B) as shown by Map thereof on file in Book 123 of Plats, Page 31, in the Office of the County Recorder of Clark County, Nevada.**

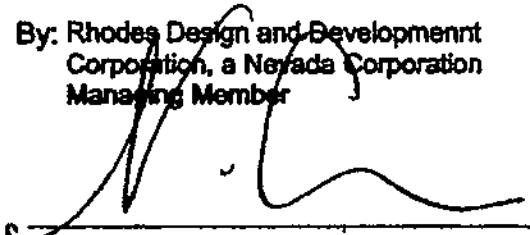
1. All general and special taxes for the current fiscal year.
2. Covenants, Conditions, Restrictions, Reservations, Rights, Rights of Way and Easements now of record.

*TOGETHER* with all tenements, hereditaments and appurtenances, including easements and water rights, if any, thereto belonging or appertaining, and any reversions, remainders, rents, issues or profits thereof.

Date: 01/28/2006

Tuscany Acquisitions LLC, a Nevada limited  
liability company

By: Rhodes Design and Development  
Corporation, a Nevada Corporation  
Managing Member

  
By: Nicole Cervero, Authorized Agent

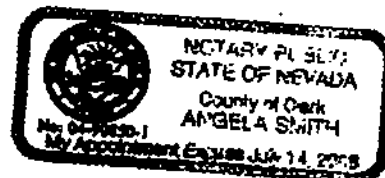
STATE OF NEVADA

COUNTY OF CLARK

This instrument was acknowledged before me on 2/8/2006 by Nicole  
Cervero.

  
Notary Public

(My commission expires: 7/14/08)



Debtor: Rhodes Design and Development Corporation  
Case No.: 09-14846

### Summary

This claim arises due to work performed at the direction of Rhodes Design and Development Corporation a subsidiary of Rhodes Homes ("Rhodes") by Envision Concrete, LLC ("Envision") to my home located at 453 Via Streeto Avenue, Henderson, NV 89011 ("home"), pursuant to the contract and subsequent warranty established between me and the builder of my home --- the aforementioned Rhodes.

The work was performed at my home by Envision in April 2009 and Envision then sought payment in the amount of \$2,460.00 from Rhodes. As Rhodes failed to fulfill its obligation to Envision, Envision placed a Mechanic's Lien on my home on May 19, 2009.

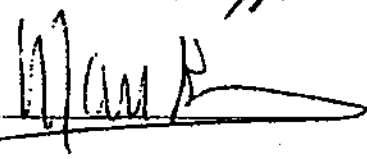
Date 6-22-2009

Signature



Date 6-22-09

Signature



UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

In re:

RHODES DESIGN AND DEVELOPMENT  
CORPORATION  
aka RHODES HOMES  
Tax I.D. No. 88-0241963

Chapter 11

Case No. BK-S-09-14846-LBR

Debtor.

**NOTICE OF CHAPTER 11 BANKRUPTCY CASE, MEETING OF CREDITORS,  
AND DEADLINES**

A chapter 11 bankruptcy case was filed concerning the debtor(s) listed above on March 31, 2009.

You may be a creditor of the debtor. This notice lists important deadlines. You may want to consult an attorney to protect your rights. All documents filed in this case may be viewed at the bankruptcy clerk's office at the address listed on this Notice. The dockets and imaged case documents may also be viewed electronically at [www.nvb.uscourts.gov](http://www.nvb.uscourts.gov) or at <https://ecf.nvb.uscourts.gov> under the lead case: The Rhodes Companies, LLC, case number 09-14814. To register for a PACER login and password, call 1-800-676-6856 or go online at <http://pacer.uscourts.gov>.

NOTE: The staff of the bankruptcy clerk's office cannot give legal advice. See additional information enclosed on the page of this Notice entitled "Explanations."

**Attorney for Debtor(s) (name and address):**

ZACHARIAH LARSON  
LARSON & STEPHENS  
810 S. CASINO CENTER BLVD., SUITE 104  
LAS VEGAS, NV 89101  
Telephone number: (702) 382-1170

PACHULSKI STANG ZIEHL & JONES LLP  
10100 SANTA MONICA BLVD., 11<sup>th</sup> FLOOR  
LOS ANGELES, CA 90067-4100  
Telephone Number: (310) 277-6910

**Meeting of Creditors**

**DATE:** May 7, 2009

**TIME:** 3:00 PM

**LOCATION:** Foley Federal Building and U.S. Courthouse  
300 Las Vegas Blvd., South, Room 1500 Las Vegas, NV 89101

**Creditor with a Foreign Address:**

See additional information enclosed on the page of this Notice entitled "Explanations," under the paragraph named "Meeting of Creditors."

**Deadlines to File a Proof of Claim**

For all creditors (except a governmental unit): 90 days after the date first set at the meeting of creditors.

For a governmental unit: 180 days after the date of the order for relief.

See additional information on the page of this Notice entitled "Explanations," under the paragraph named "Claims." All claims should be mailed to the Claims Agent listed below. If you wish to receive an acknowledgment of the receipt of your claim, you must provide an extra copy of the claim and a self-addressed stamped envelope.

Mail completed Proof of Claim forms to Claims Agent for Debtor:

Heritage Land Company, LLC  
c/o Omni Management Group, LLC  
16161 Ventura Blvd., Suite C  
PMB 477  
Encino, CA 91436  
Telephone Number: (866) 989-6144

**DO NOT FILE PROOF OF CLAIM FORMS WITH THE COURT.**

**Creditors May Not Take Certain Actions:**

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request that the court impose a stay. If you attempt to collect a debtor or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

**Address of the Bankruptcy Clerk's Office:**

U.S. Bankruptcy Court  
300 Las Vegas Blvd., South  
Las Vegas, NV 89101  
Telephone Number: (702) 388-6257  
Hours Open: Monday - Friday 9:00 AM - 4:00 PM

## EXPLANATIONS

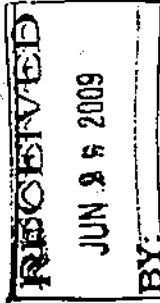
|  |  |
|--|--|
| Filing of Chapter 11 Bankruptcy Case             | A bankruptcy case under Chapter 11 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by or against the debtor(s) listed in this Notice, and an order for relief has been entered. Chapter 11 allows a debtor to reorganize or liquidate pursuant to a plan. A plan is not effective unless confirmed by the court. You may be sent a copy of the plan and a disclosure statement telling you about the plan, and you might have the opportunity to vote on the plan. You will be sent notice of the date of the confirmation hearing, and you may object to the confirmation of the plan and attend the confirmation hearing. Unless a trustee is serving, the debtor will remain in possession of the debtor's property and may continue to operate any business.  |
| Legal Advice                                     | The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your rights in this case.   |
| Creditors Generally May Not Take Certain Actions | Prohibited collection actions are listed in Bankruptcy Code § 362. Common examples of prohibited actions include contacting the debtor by telephone, mail, or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; and starting or continuing lawsuits or foreclosures. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay.   |
| Meeting of Creditors                             | A meeting of creditors is scheduled for the date, time, and location listed in this Notice. <i>The debtor's representative must be present at the meeting to be questioned under oath by the trustee and by creditors.</i> Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded under a later date without further notice. The court, after notice and a hearing, may order that the United States trustee not convene the meeting if the debtor has filed a plan for which the debtor solicited acceptances before filing the case.   |
| Claims   | A Proof of Claim is a signed statement describing a creditor's claim. If a Proof of Claim form is not included with this Notice, you can obtain one at any bankruptcy clerk's office or by downloading a Proof of Claim from the court's website at <a href="http://www.nvb.uscourts.gov">www.nvb.uscourts.gov</a> . You may look at the schedules that have been or will be filed at the bankruptcy clerk's office (or view electronically at <a href="http://www.nvb.uscourts.gov">www.nvb.uscourts.gov</a> and click on PACER). If your claim is scheduled and is not listed as disputed, contingent, or unliquidated, it will be allowed in the amount scheduled unless you filed a Proof of Claim or you are sent further notice about the claim. Whether or not your claim is scheduled, you are permitted to file a Proof of Claim. If your claim is not listed at all, or if your claim is listed as disputed, contingent, or unliquidated, then you must file a Proof of Claim by the "Deadline to File a Proof of Claim" found on this Notice or you might not be paid any money on your claim against the debtor in the bankruptcy case and may be unable to vote on a plan. A secured creditor retains rights in its collateral regardless of whether that creditor files a Proof of Claim. Filing a Proof of Claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a Proof of Claim may surrender important nonmonetary rights, including the right to a jury trial. <b>Deadline for a Creditor with a Foreign Address:</b> The deadlines for filing claims set forth in this Notice apply to all creditors. If this Notice has been mailed to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline. |
| Discharge of Debts                               | Confirmation of chapter 11 plan may result in discharge of debts, which may include all or part of your debt. See Bankruptcy Code § 1141(d). A discharge means that you may never try to collect the debt from the debtor, except as provided for in the plan.   |

|   |  |  |
|---|--|--|
| 1<br>2<br>3<br>4  | <b>Bankruptcy Clerk's Office</b>       | Unless otherwise noted, any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed in this Notice. You may inspect all papers filed, including the debtor's property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office. |
| 5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23<br>24<br>25<br>26<br>27<br>28 | <b>Creditor with a Foreign Address</b> | Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.  |

MICHAEL S. BARR  
453 VIA STRETTO AVE  
HENDERSON, NV 89011

POSTAGE DUE 17¢

Heritage Land Company, LLC  
c/o omni management group, LLC  
16161 Ventura Blvd Suite  
PMB 477  
Encino, CA 91436



950332522 0020





# CLAIM 9

| UNITED STATES BANKRUPTCY COURT      DISTRICT OF NEVADA  |  | PROOF OF CLAIM   |
|---|--|--|
| Name of Debtor: <b>Tuscany Acquisitions, LLC</b>  |  | Case Number: <b>09-14853</b>   |
| NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.   |  |  |
| Name of Creditor (The person or other entity to whom the debtor owes money or property):<br><b>MICHAEL &amp; MARIA BARR</b>   |  | <input type="checkbox"/> Check box to indicate that this claim amends a previously filed claim.<br>Court Claim Number: <span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span><br>(if known)<br>Filed On: <span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span> / <span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span> / <span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span><br><input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach a copy of statement giving particulars.<br><input type="checkbox"/> Check this box if you are the debtor or trustee in this case.   |
| Name and address where notices should be sent:<br><b>Michael J. BARR</b><br><b>453 Via Street Avenue</b><br><b>Henderson, NV 89011</b>  |  |  |
| TEL: <b>(702) 657-9211</b>  |  |  |
| Name and address where payment should be sent (if different from above):<br>Name: _____<br>Address 1: _____<br>Address 2: _____<br>Address 3: _____<br>Address 4: _____<br>Address 5: _____<br>TEL: <span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span> <span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span> - <span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span> <span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>   |  |  |
| Carefully read instructions included with this Proof of Claim before completing. In order to have your claim considered for payment and/or voting purposes, complete ALL applicable questions. The original of this Proof of Claim must be sent to: The Rhodes Companies, LLC, c/o Omni Management Group, LLC, 16161 Ventura Boulevard, Suite C, PMB 477, Encino, CA 91436-2522.  |  |  |
| <b>1. Amount of Claim as of Date Case Filed:</b> \$ <span style="border: 1px solid black; display: inline-block; width: 100px; height: 20px; text-align: center;">2469.00</span><br>If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4.<br>If all or part of your claim is entitled to priority, complete item 5.<br><input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of interest or charges.  |  | <b>5. Amount of Claim Entitled to Priority under 11 U.S.C. § 507(a).</b> If any portion of your claim falls in one of the following categories, check the box and state the amount.<br><br>Specify the priority of the claim:<br><input type="checkbox"/> Domestic support obligations under - 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).<br><input type="checkbox"/> Wages, salaries, or commissions (up to \$10,950*), earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(4).<br><input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(5).<br><input type="checkbox"/> Up to \$2,425* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(7).<br><input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8).<br><input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. § 507(a) (_____).<br><br>Amount entitled to priority:<br>\$ <span style="border: 1px solid black; display: inline-block; width: 100px; height: 20px;"></span> |
| <b>2. Basis for Claim</b><br><span style="border: 1px solid black; padding: 2px; display: inline-block;">SERVICES PERFORMED WARRANTY</span><br>(See instruction #2 on reverse side)   |  |  |
| <b>3. Last four digits of any number by which creditor identifies debtor:</b><br><span style="border: 1px solid black; display: inline-block; width: 40px; height: 20px;"></span>   |  |  |
| <b>3a. Debtor may have scheduled account as:</b> <span style="border: 1px solid black; display: inline-block; width: 100px; height: 20px;"></span><br>(See instruction #3a on reverse side.)  |  |  |
| <b>4. Secured Claim.</b> (See instruction #4 on reverse side.)<br><input type="checkbox"/> Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information.<br>Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other<br>Describe: <span style="border: 1px solid black; display: inline-block; width: 150px; height: 20px;"></span><br>Value of Property: \$ <span style="border: 1px solid black; display: inline-block; width: 100px; height: 20px;"></span> Annual Interest Rate: _____ %<br>Amount of arrearage and other charges as of time case filed included in secured claim,<br>If any: \$ <span style="border: 1px solid black; display: inline-block; width: 100px; height: 20px;"></span> Basis for perfection: _____<br>Amount Secured: <span style="border: 1px solid black; display: inline-block; width: 100px; height: 20px;"></span> Amount Unsecured: <span style="border: 1px solid black; display: inline-block; width: 100px; height: 20px;"></span> |  | Amount entitled to priority:<br>\$ <span style="border: 1px solid black; display: inline-block; width: 100px; height: 20px;"></span><br><br><small>*Amounts are subject to adjustment on 4/1/10 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.</small>   |
| <b>6. Credits:</b> The amount of all payments on this claim has been credited for the purpose of making this proof of claim.  |  |  |
| <b>7. Documents:</b> Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See instruction 7 and definition of "redacted" on reverse side.)<br><br><b>DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.</b><br>If the documents are not available, please explain: _____  |  |  |
| Date <b>06/22/2009</b> Signature: The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any.<br>Signature <b>Michael J. Barr</b> <b>BUILDING INSPECTOR</b><br>Printed Name <b>MICHAEL J. BARR</b> Title <b>INSPECTOR</b>  |  |  |

Debtor: Rhodes Design and Development Corporation  
Case No.: 09-14846

**Summary**

This claim arises due to work performed at the direction of Rhodes Design and Development Corporation a subsidiary of Rhodes Homes ("Rhodes") by Envision Concrete, LLC ("Envision") to my home located at 453 Via Streeto Avenue, Henderson, NV 89011 ("home"), pursuant to the contract and subsequent warranty established between me and the builder of my home --- the aforementioned Rhodes.

The work was performed at my home by Envision in April 2009 and Envision then sought payment in the amount of \$2,460.00 from Rhodes. As Rhodes failed to fulfill its obligation to Envision, Envision placed a Mechanic's Lien on my home on May 19, 2009.

Date 6-22-2009

Signature Michael J. Barr

Date 6-22-09

Signature [Signature]

**Receipt/Conformed Copy****NOTICE REQUESTED BY  
AND RETURN TO:****ENVISION CONCRETE LLC  
CMA BUSINESS CREDIT SERVICES  
3110 W CHEYENNE AVE #100  
N LAS VEGAS, NV 89032****APN: 160-32-512-022****Requestor:****CMA BUSINESS CREDIT SERVICES  
05/19/2009 14:54:52 T20090175413****Book/Instr: 20090519-0004215****Lien Page Count: 2****Fees: \$15.00 N/C Fee: \$0.00****Debbie Conway  
Clark County Recorder****NOTICE OF LIEN**

The undersigned claims a lien upon the property described in this notice for work, materials or equipment furnished for the improvement of property:

1. The amount of the original contract is: \$ 2,460.00.
2. The total amount of all additional, or changed work, materials and equipment, if any, is: \$ 0.00.
3. The total amount of all payments received to date is: \$ 0.00.
4. The amount of the lien, after deducting all just credits and offsets, is \$2,460.00.
5. The name of the reputed owner, if known, of the property is: BARR MICHAEL & MARIA, 453 VIA STRETTO AVE, Henderson, NV 89011.
6. The name of the person by whom the lien claimant was employed or to whom the lien claimant furnished or agreed to furnish work, materials or equipment is: RHODES HOMES, 4730 S FORT APACHE #300, Las Vegas, NV 89147
7. A brief statement of the terms of payment of the lien claimant's contract is: -net 30 days.
8. A description of the property and/or the improvements to be charged with the lien is:  
TUSCANY PARCEL 6B LT 22, 453 VIA STRETTO, Henderson, NV 89011,  
County Assessor Description: -Plat Book 123 Page 31 Lot 22, SEC32 TWP21 RNG63, County of Clark  
County Assessor's Parcel Number: 160-32-512-022

**VERIFICATION**

I declare that I am authorized to file this MECHANICS LIEN (PRIVATE WORK) on behalf of the claimant. I have read the foregoing document and know the contents thereof; the same is true of my own knowledge. I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Dated May 18, 2009 for ENVISION CONCRETE LLC, 5655 REFERENCE ST, Las Vegas, NV 89147

By: Cherie Berg

Phone: (702) 259-2622 Fax: (702) 259-9908


CHERIE BERG, Representative For: ENVISION CONCRETE LLC

ACKNOWLEDGEMENT BY NOTARY PUBLIC

STATE OF NEVADA ) SS.  
COUNTY OF CLARK) SS.

CHERIE BERG, being duly sworn on oath according to law, deposes and says:

I have read the foregoing Notice of Lien, know the contents thereof and state that the same is true of my own personal knowledge, except those matters stated upon information and belief, and, as to those matters, I believe them to be true.

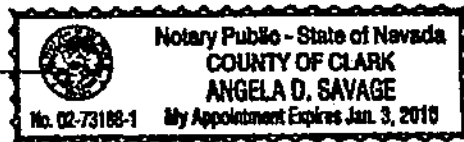
  
CHERIE BERG

On May 19, 2009 before me, the undersigned, a Notary Public in and for said state, personally appeared CHERIE BERG [X] Personally known to me.

Proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the attached instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or their entity upon behalf for which the person(s) acted, executed the instrument.

Signature

  
ANGELA D SAVAGE



CAPACITY CLAIMED BY SIGNER: INDIVIDUAL

Attention Notary: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to unauthorized documents.

Title or Type of Document: MECHANICS LIEN

Date of Document: May 19, 2009

Number of Pages: 02

**Receipt/Conformed Copy**

Requestor:

COMMERCE TITLE

02/13/2006 15:21:43 T20060027331

Book/Instr: 20060213-0003633

Deed Page Count: 3

Fees: \$15.00 N/C Fee: \$0.00

RPTT: \$2,019.60

Frances Deane  
Clark County Recorder

A.P. No. 160-32-512-022

Escrow No. 510942-A-MPJ

R.P.T.T. \$2,019.60

**WHEN RECORDED MAIL TO:**

Michael Barr and Maria Barr  
453 Via Stretto Avenue  
Henderson, NV 89015

**MAIL TAX STATEMENT TO:**

Michael Barr and Maria Barr  
453 Via Stretto Avenue  
Henderson, NV 89015

**GRANT, BARGAIN and SALE DEED**

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Tuscany Acquisitions LLC, a Nevada limited liability company

do(es) hereby *GRANT, BARGAIN and SELL* to

Michael Barr and Maria Barr, husband and wife as joint tenants

the real property situate in the County of Clark, State of Nevada, described as follows:

**Lot 22, Block 1, of TUSCANY PARCEL 6B (formerly known as Palm City-Phase 2 Lot 6B) as shown by Map thereof on file in Book 123 of Plats, Page 31, in the Office of the County Recorder of Clark County, Nevada.**

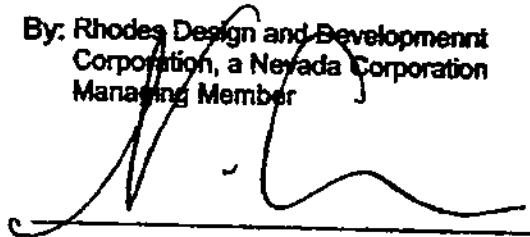
1. All general and special taxes for the current fiscal year.
2. Covenants, Conditions, Restrictions, Reservations, Rights, Rights of Way and Easements now of record.

**TOGETHER** with all tenements, hereditaments and appurtenances, including easements and water rights, if any, thereto belonging or appertaining, and any reversions, remainders, rents, issues or profits thereof.

Date: 01/28/2006

Tuscany Acquisitions LLC, a Nevada limited liability company

By: Rhodes Design and Development Corporation, a Nevada Corporation  
Managing Member



By: Nicole Cervero, Authorized Agent

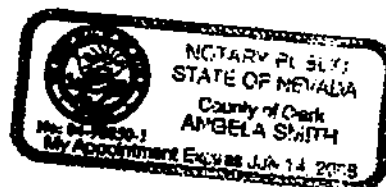
STATE OF NEVADA

COUNTY OF CLARK

This instrument was acknowledged before me on 2/8/2006 by Nicole Cervero.

  
Notary Public

(My commission expires: 7/14/08)



UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

In re:

Chapter 11

TUSCANY ACQUISITIONS, LLC  
Tax I.D. No. 20-2700206

Case No. BK-S-09-14853-LBR

Debtor.  
\_\_\_\_\_ /

**NOTICE OF CHAPTER 11 BANKRUPTCY CASE, MEETING OF CREDITORS,  
AND DEADLINES**

A chapter 11 bankruptcy case was filed concerning the debtor(s) listed above on March 31, 2009.

You may be a creditor of the debtor. This notice lists important deadlines. You may want to consult an attorney to protect your rights. All documents filed in this case may be viewed at the bankruptcy clerk's office at the address listed on this Notice. The dockets and imaged case documents may also be viewed electronically at [www.nvb.uscourts.gov](http://www.nvb.uscourts.gov) or at <https://ecf.nvb.uscourts.gov> under the lead case: **The Rhodes Companies, LLC**, case number **09-14814**. To register for a PACER login and password, call 1-800-676-6856 or go online at <http://pacer.uscourts.gov>.

NOTE: The staff of the bankruptcy clerk's office cannot give legal advice. See additional information enclosed on the page of this Notice entitled "Explanations."

**Attorney for Debtor(s) (name and address):**

ZACHARIAH LARSON  
LARSON & STEPHENS  
810 S. CASINO CENTER BLVD., SUITE 104  
LAS VEGAS, NV 89101  
Telephone number: (702) 382-1170

PACHULSKI STANG ZIEHL & JONES LLP  
10100 SANTA MONICA BLVD., 11<sup>th</sup> FLOOR  
LOS ANGELES, CA 90067-4100  
Telephone Number: (310) 277-6910

**Meeting of Creditors**

**DATE:** May 7, 2009

**TIME:** 3:00 PM

**LOCATION:** Foley Federal Building and U.S. Courthouse  
300 Las Vegas Blvd., South, Room 1500 Las Vegas, NV 89101

**Creditor with a Foreign Address:**

See additional information enclosed on the page of this Notice entitled "Explanations," under the paragraph named "Meeting of Creditors."



**Deadlines to File a Proof of Claim**

For all creditors (except a governmental unit): 90 days after the date first set at the meeting of creditors.

For a governmental unit: 180 days after the date of the order for relief.

See additional information on the page of this Notice entitled "Explanations," under the paragraph named "Claims." All claims should be mailed to the Claims Agent listed below. If you wish to receive an acknowledgment of the receipt of your claim, you must provide an extra copy of the claim and a self-addressed stamped envelope.

Mail completed Proof of Claim forms to Claims Agent for Debtor:

Heritage Land Company, LLC  
c/o Omni Management Group, LLC  
16161 Ventura Blvd., Suite C  
PMB 477  
Encino, CA 91436  
Telephone Number: (866) 989-6144

**DO NOT FILE PROOF OF CLAIM FORMS WITH THE COURT.****Creditors May Not Take Certain Actions:**

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request that the court impose a stay. If you attempt to collect a debtor or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

**Address of the Bankruptcy Clerk's Office:**

U.S. Bankruptcy Court  
300 Las Vegas Blvd., South  
Las Vegas, NV 89101  
Telephone Number: (702) 388-6257  
Hours Open: Monday - Friday 9:00 AM - 4:00 PM

## EXPLANATIONS

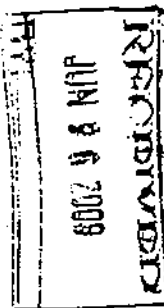
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|--|---|
| Filing of Chapter 11 Bankruptcy Case             | A bankruptcy case under Chapter 11 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by or against the debtor(s) listed in this Notice, and an order for relief has been entered. Chapter 11 allows a debtor to reorganize or liquidate pursuant to a plan. A plan is not effective unless confirmed by the court. You may be sent a copy of the plan and a disclosure statement telling you about the plan, and you might have the opportunity to vote on the plan. You will be sent notice of the date of the confirmation hearing, and you may object to the confirmation of the plan and attend the confirmation hearing. Unless a trustee is serving, the debtor will remain in possession of the debtor's property and may continue to operate any business.   |
| Legal Advice                                     | The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your rights in this case.  |
| Creditors Generally May Not Take Certain Actions | Prohibited collection actions are listed in Bankruptcy Code § 362. Common examples of prohibited actions include contacting the debtor by telephone, mail, or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; and starting or continuing lawsuits or foreclosures. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay.  |
| Meeting of Creditors                             | A meeting of creditors is scheduled for the date, time, and location listed in this Notice. <i>The debtor's representative must be present at the meeting to be questioned under oath by the trustee and by creditors.</i> Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded under a later date without further notice. The court, after notice and a hearing, may order that the United States trustee not convene the meeting if the debtor has filed a plan for which the debtor solicited acceptances before filing the case.  |
| Claims   | A Proof of Claim is a signed statement describing a creditor's claim. If a Proof of Claim form is not included with this Notice, you can obtain one at any bankruptcy clerk's office or by downloading a Proof of Claim from the court's website at <a href="http://www.nv.uscourts.gov">www.nv.uscourts.gov</a> . You may look at the schedules that have been or will be filed at the bankruptcy clerk's office (or view electronically at <a href="http://www.nv.uscourts.gov">www.nv.uscourts.gov</a> and click on PACER). If your claim is scheduled and is not listed as disputed, contingent, or unliquidated, it will be allowed in the amount scheduled unless you filed a Proof of Claim or you are sent further notice about the claim. Whether or not your claim is scheduled, you are permitted to file a Proof of Claim. If your claim is not listed at all, or if your claim is listed as disputed, contingent, or unliquidated, then you must file a Proof of Claim by the "Deadline to File a Proof of Claim" found on this Notice or you might not be paid any money on your claim against the debtor in the bankruptcy case and may be unable to vote on a plan. A secured creditor retains rights in its collateral regardless of whether that creditor files a Proof of Claim. Filing a Proof of Claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a Proof of Claim may surrender important nonmonetary rights, including the right to a jury trial. <b>Filing Deadline for a Creditor with a Foreign Address:</b> The deadlines for filing claims set forth in this Notice apply to all creditors. If this Notice has been mailed to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline. |
| Discharge of Debts                               | Confirmation of chapter 11 plan may result in discharge of debts, which may include all or part of your debt. See Bankruptcy Code § 1141(d). A discharge means that you may never try to collect the debt from the debtor, except as provided for in the plan.  |

|                                 |  |                           |  |                                 |   |
|---------------------------------|--|---------------------------|--|---------------------------------|---|
| 1<br>2<br>3<br>4                | <table><tr><td>Bankruptcy Clerk's Office</td><td>Unless otherwise noted, any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed in this Notice. You may inspect all papers filed, including the debtor's property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office.</td></tr><tr><td>Creditor with a Foreign Address</td><td>Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.</td></tr></table> | Bankruptcy Clerk's Office | Unless otherwise noted, any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed in this Notice. You may inspect all papers filed, including the debtor's property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office. | Creditor with a Foreign Address | Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case. |
| Bankruptcy Clerk's Office       | Unless otherwise noted, any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed in this Notice. You may inspect all papers filed, including the debtor's property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office.   |                           |  |                                 |   |
| Creditor with a Foreign Address | Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.  |                           |  |                                 |   |

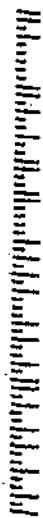
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Michael J. Bae  
453 Via Street Ave  
Henderson NV 89011

Heritage Land Company, LLC  
40000 McIntoshment Blvd, LLC  
12161 Ventura Blvd Suite C  
PMB 477  
Encino, CA 91436



9143632522 0020



# EXHIBIT C

LARSON & STEPHENS  
810 S. Casino Center Blvd., Suite 104  
Las Vegas, Nevada 89101  
Tel: (702) 382-1170 Fax: (702) 382-1169

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LAW OFFICES  
LIMITED LIABILITY PARTNERSHIP

SAN FRANCISCO, CA  
LOS ANGELES, CA  
WILMINGTON, DE  
NEW YORK, NY

150 CALIFORNIA STREET  
15th FLOOR  
SAN FRANCISCO  
CALIFORNIA 94111-4500

TELEPHONE: 415/263 7000  
FACSIMILE: 415/263 7010

LOS ANGELES  
10100 SANTA MONICA BLVD.  
11th FLOOR  
LOS ANGELES  
CALIFORNIA 90067-4100  
TELEPHONE: 310/277 6910  
FACSIMILE: 310/201 0760

DELAWARE  
919 NORTH MARKET STREET  
17th FLOOR  
P.O. BOX 8705  
WILMINGTON  
DELAWARE 19899-8705  
TELEPHONE: 302/652 4100  
FACSIMILE: 302/652 4400

NEW YORK  
788 THIRD AVENUE  
36th FLOOR  
NEW YORK  
NEW YORK 10017-2024  
TELEPHONE: 212/561 7700  
FACSIMILE: 212/561 7777

October 21, 2009

**VIA U.S. FIRST CLASS MAIL**

Michael & Maria Barr  
453 Via Street Avenue  
Henderson, NV 89011

**Re: The Rhodes Companies, et al.  
Chapter 11 Case No. 09-14814  
(Jointly Administered)**

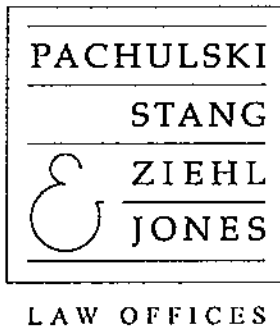
Dear Mr. & Mrs. Barr:

This firm represents Apache Framing, LLC, Rhodes Design and Development Corporation and Tuscany Acquisitions, LLC (the "Debtors") in their Chapter 11 bankruptcy cases filed in the United States Bankruptcy Court for the District of Nevada (jointly administered under Case No. 09-14814 LBR). You filed three identical proofs of claim on your behalf in the Debtors' bankruptcy cases as follows:

- Apache Framing, LLC, Case No. 09-14818 LBR, designated as Claim No. 6, in the amount of \$2,460.00;
- Rhodes Design and Development Corporation, Case No. 09-14846 LBR, designated as Claim No. 54 in the amount of \$2,460.00; and
- Tuscany Acquisitions, LLC, Case No. 09-14853 LBR, designated as Claim No. 9 in the amount of \$2,460.00.

According to the documentation attached to your claim, your claim is pursuant to a lien placed on your home by Envision Concrete, for services performed by Envision at the request of the Debtors. As of September 1, 2009, Envision Concrete has released their lien against your home. A copy of such release is attached hereto for your reference. Therefore, we request that you withdraw all three of your claims against the Debtors.

Please withdraw your Claims by signing and returning the enclosed Notice of Claim Withdrawal forms by November 16, 2009



Mr. & Mrs. Barr  
October 21, 2009  
Page 2

so that we may avoid having to object to your claim in the  
Bankruptcy Court. Thank you.

Very truly yours,

/s/  
Patricia J. Jeffries

PJJ  
Enclosure  
cc: Michael A. Matteo

1  
2  
3 **UNITED STATES BANKRUPTCY COURT**  
4 **DISTRICT OF NEVADA**  
5

6 In re: Case No.: BK-S-09-14818-LBR  
7 APACHE FRAMING, LLC, Chapter 11  
8 Debtor.

9  
10 **NOTICE OF WITHDRAWAL OF PROOF OF CLAIM NO. 6**  
11

12 MICHAEL & MARIA BARR hereby withdraws their proof of claim, designated as Claim  
13 No. 6 filed in the above-captioned case.  
14

15 Dated: \_\_\_\_\_, 2009

16  
17 \_\_\_\_\_  
18 By: (signature)  
19 Its: (print name)  
20 (title)  
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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

RHODES DESIGN AND DEVELOPMENT  
CORPORATION,  
Debtor.

Case No.: BK-S-09-14846-LBR

Chapter 11

---

**NOTICE OF WITHDRAWAL OF PROOF OF CLAIM NO. 54**

---

MICHAEL & MARIA BARR hereby withdraws their proof of claim, designated as Claim  
No. 54 filed in the above-captioned case.

Dated: \_\_\_\_\_, 2009

\_\_\_\_\_  
(signature)

By:  
Its:

(print name)  
(title)

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:  
TUSCANY ACQUISITIONS, LLC,  
Debtor.

Case No.: BK-S-09-14853-LBR  
Chapter 11

---

**NOTICE OF WITHDRAWAL OF PROOF OF CLAIM NO. 9**

---

MICHAEL & MARIA BARR hereby withdraws their proof of claim, designated as Claim  
No. 9 filed in the above-captioned case.

Dated: \_\_\_\_\_, 2009

\_\_\_\_\_  
(signature)  
By: (print name)  
Its: (title)

2

**NOTICE REQUESTED BY  
AND RETURN TO:**

**ENVISION CONCRETE, LLC  
% CREDIT MANAGEMENT ASSN  
3110 W CHEYENNE #100  
NORTH LAS VEGAS, NV 89032**

**APN: 160-32-512-022**

**Inst #: 200909010003138**

**Fees: \$15.00**

**N/C Fee: \$0.00**

**09/01/2009 02:34:27 PM**

**Receipt #: 40587**

**Requestor:**

**CREDIT MANAGEMENT ASSN**

**Recorded By: LEX Pgs: 2**

**DEBBIE CONWAY**

**CLARK COUNTY RECORDER**

**DISCHARGE OR RELEASE OF NOTICE OF LIEN**

Notice is hereby given that the undersigned did on MAY 19, 2009 record in book #20090519, as document #04215 in the office of the county recorder of CLARK County, Nevada, it's Notice of Lien or has otherwise given notice of his intention to hold and claim a lien upon the following described property, owned or purportedly owned by BARR MICHAEL & MARIA, 453 VIA STRETTO AVE, HENDERSON, NV 89011 situated in the county of CLARK, to wit: The project is commonly known as TUSCANY PARCEL 6B LT 22, 453 VIA STRETTO, HENDERSON, NV 89011.

The specific contract information is for such additional information as to contact numbers for owners, general contractors, lenders or sureties as may be found in exhibit D, if attached.

NOW THEREFORE, for valuable consideration the undersigned does release, satisfy and discharge the claim or lien on the property described above by reason of such Notice of Lien, or by reason of the work or labor on, or materials furnished for, that property.

Dated August 31, 2009 for ENVISION CONCRETE LLC, 5655 REFERENCE ST, LAS VEGAS, NV 89147

By: Elise Gutierrez  
ELISE GUTIERREZ, REPRESENTATIVE FOR ENVISION CONCRETE LLC

I declare that I am authorized to file this Release of Mechanic's Lien on behalf of the claimant. I have read the foregoing document and know the contents thereof; the same is true of my own knowledge. I declare under penalty of perjury that the foregoing is true and correct and that it contains, among other things, a correct statement of demand of Claimant, after deducting all just credits and offsets. Executed at N LAS VEGAS, NV on August 31, 2009 for ENVISION CONCRETE LLC

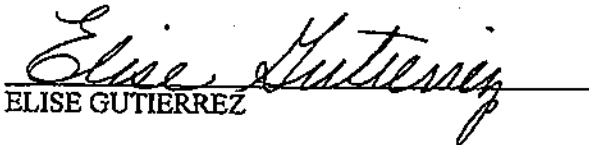
By: Elise Gutierrez  
ELISE GUTIERREZ, REPRESENTATIVE FOR ENVISION CONCRETE LLC

ACKNOWLEDGEMENT BY NOTARY PUBLIC

STATE OF NEVADA } SS.  
COUNTY OF CLARK } SS.

ELISE GUTIERREZ, being duly sworn on oath according to law, deposes and says:

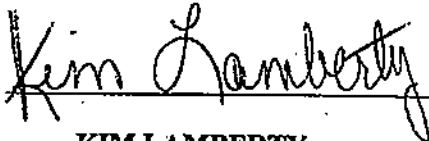
I have read the foregoing Release of Lien, know the contents thereof and state that the same is true of my own personal knowledge, except those matters stated upon information and belief, and, as to those matters, I believe them to be true.

  
ELISE GUTIERREZ

On August 31, 2009 before me, the undersigned, a Notary Public in and for said state, personally appeared ELISE GUTIERREZ[X] Personally known to me.

Proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the attached instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or their entity upon behalf for which the person(s) acted, executed the instrument.

Signature



KIM LAMBERTY



CAPACITY CLAIMED BY SIGNER: INDIVIDUAL

Attention Notary: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to unauthorized documents.

Title or Type of Document: RELEASE OF LIEN

Date of Document: August 31, 2009

Number of Pages: 02

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# EXHIBIT D

LARSON & STEPHENS  
810 S. Casino Center Blvd., Suite 104  
Las Vegas, Nevada 89101  
Tel: (702) 382-1170 Fax: (702) 382-1169

LARSON & STEPHENS  
810 S. Casino Center Blvd., Suite 104  
Las Vegas, Nevada 89101  
Tel: (702) 382-1170 Fax: (702) 382-1169

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

THE RHODES COMPANIES, LLC, aka  
"Rhodes Homes," et al.,<sup>1</sup>

Debtors.

Case No.: BK-S-09-14814-LBR  
(Jointly Administered)

Chapter 11

Affects:

- ☐ All Debtors  
☒ Affects the following Debtor(s):

Apache Framing, LLC 09-114818; Rhodes  
Design and Development Corporation 09-  
14846; and Tuscany Acquisitions, LLC 09-  
14853

Hearing Date: January 14, 2010  
Hearing Time: 9:00 a.m.  
Courtroom 1

**ORDER GRANTING DEBTORS' OMNIBUS OBJECTION TO MICHAEL & MARIA  
BARR'S CLAIMS PURSUANT TO SECTION 502(b) OF THE BANKRUPTCY CODE  
AND BANKRUPTCY RULES 3003 AND 3007 [DOCKET NO. ]**

<sup>1</sup> The Debtors in these cases, along with their case numbers are: Heritage Land Company, LLC (Case No. 09-14778); The Rhodes Companies, LLC (Case No. 09-14814); Tribes Holdings, LLC (Case No. 09-14817); Apache Framing, LLC (Case No. 09-14818); Geronimo Plumbing LLC (Case No. 09-14820); Gung-Ho Concrete LLC (Case No. 09-14822); Bravo, Inc. (Case No. 09-14825); Elkhorn Partners, A Nevada Limited Partnership (Case No. 09-14828); Six Feathers Holdings, LLC (Case No. 09-14833); Elkhorn Investments, Inc. (Case No. 09-14837); Jarupa, LLC (Case No. 09-14839); Rhodes Realty, Inc. (Case No. 09-14841); C & J Holdings, Inc. (Case No. 09-14843); Rhodes Ranch General Partnership (Case No. 09-14844); Rhodes Design and Development Corporation (Case No. 09-14846); Parcel 20, LLC (Case No. 09-14848); Tuscany Acquisitions IV, LLC (Case No. 09-14849); Tuscany Acquisitions III, LLC (Case No. 09-14850); Tuscany Acquisitions II, LLC (Case No. 09-14852); Tuscany Acquisitions, LLC (Case No. 09-14853); Rhodes Ranch Golf Country Club, LLC (Case No. 09-14854); Overflow, LP (Case No. 09-14856); Wallboard, LP (Case No. 09-14858); Jackknife, LP (Case No. 09-14860); Batcave, LP (Case No. 09-14861); Chalkline, LP (Case No. 09-14862); Glynda, LP (Case No. 09-14865); Tick, LP (Case No. 09-14866); Rhodes Arizona Properties, LLC (Case No. 09-14868); Rhodes Homes Arizona, L.L.C. (Case No. 09-14882); Tuscany Golf Country Club, LLC (Case No. 09-14884); and Pinnacle Grading, LLC (Case No. 09-14887).

1 Upon consideration of the *Debtors' Omnibus Objection to Michael & Maria Barr's*  
 2 *Claims Pursuant to Section 502(b) of the Bankruptcy Code and Bankruptcy Rules 3003 and 3007*  
 3 [Docket No. \_\_\_\_] (the "Omnibus Objection"),<sup>2</sup> filed by above-captioned debtors and debtors in  
 4 possession (collectively, the "Debtors"), requesting that the Court enter an order disallowing and  
 5 expunging the Barr Claims as set forth in the Column marked "Proposed Treatment/Disposition"  
 6 in **Exhibit A** attached hereto; and the Court having jurisdiction to consider the Omnibus  
 7 Objection and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and the relief  
 8 requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being  
 9 proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having reviewed  
 10 the Omnibus Objection; the Court hereby finds and determines that, pursuant to Rule 3007 of the  
 11 Federal Rules of Bankruptcy Procedure, due and proper notice has been provided to the holders  
 12 of the Central Telephone Claims and all other parties entitled to notice; and no other or further  
 13 notice is necessary; and the relief requested in the Omnibus Objection is in the best interests of  
 14 the Debtors, their estates and creditors; and that the legal and factual bases set forth in the  
 15 Omnibus Objection establishes just cause for the relief requested therein; therefore IT IS  
 16 HEREBY ORDERED THAT:

- 17 1. The Omnibus Objection is granted.
- 18 2. The Barr Claims identified on **Exhibit A** are hereby disallowed in their entirety.
- 19 3. This Court shall retain jurisdiction to hear and determine all matters arising from  
 20 the implementation of this Order.

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<sup>2</sup> Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Omnibus Objection.

APPROVED/DISAPPROVED:

DATED this 14<sup>th</sup> day of January, 2010.

By: \_\_\_\_\_  
UNITED STATES TRUSTEE  
August B. Landis  
Office of the United States Trustee  
300 Las Vegas Blvd. S., Ste. 4300  
Las Vegas, NV 89101

Submitted by:  
DATED this 14<sup>th</sup> day of January, 2010.

By: /s/ Zachariah Larson  
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**LR 9021 Certification**

In accordance with LR 9021, counsel submitting this document certifies as follows (check one):

☐ The court has waived the requirement of approval under LR 9021.

☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.

☐ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below.

Submitted by:

DATED this 14<sup>th</sup> day of January, 2010.

By: /s/ Zachariah Larson

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